HON'BLE SRI JUSTICE D.S.R.VARMA
AND
HON'BLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.16177 OF 2006

Between:

Syed Murtuza Hussain, P.O.Box 5727, Riyadh, Saudi Arabia-11127,
Email ID> Murtuza55@yahoo.com, Mobile Phone: + 966 503478323.

…Petitioner

AND

1.The Principal Secretary Home Department, Govt. of A.P.,
Hyderabad and others.

….Respondents

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ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R.VARMA)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, for the respondent Nos.1 and 2 and Sri T.Niranjan Reddy, the learned Standing Counsel for C.B.I, appearing for the respondent No.3

2. This writ petition is taken up on the basis of a 'letter', dated 28.4.2006, sent by one Syed Murtuza Hussain, P.O Box 5729, Riyadh, Saudi Arabia –11127, Email ID: Murtuza55@yahoo.com. complaining that his son by name Master Syed Alamdar Hussain, aged 16 years and 5 months, was drowned while he was learning swimming at the Swimming Pool of the then Bhaskara Palace Hotel, Hyderabad, and requests this Court to pass appropriate orders directing the authorities to direct thorough investigation and to take action against the then Hotel Management for the heinous Crimes committed against the innocent children like his son.

3. It appears from the complaint that the petitioner had moved the apex Court also as regards the compensation. However, it appears that the apex Court closed the Special Leave Petition, filed by the petitioner, observing that the petitioner should pursue the remedy in a civil competent Court. Hence, the present Writ Petition.

4. On notice being issued, the Inspector of Police, General Offences Wing, C.I.D., Hyderabad, filed a counter-affidavit, *inter alia*, stating that the petitioner had lodged a complaint before the Sub-Inspector of Police, Panjagutta Police Station, on 28.4.1994, about the death of his son while learning swimming at the Swimming Pool of the then Bhaskara Palace Hotel, Hyderabad. Upon receipt of the

said complaint, a case in Crime No.217 of 1994 for the offences punishable under Sections 304-A and 201 IPC was registered, and the investigation was taken up. A charge sheet was also filed on 23.5.1994 before the V Metropolitan Magistrate, Hyderabad, and the same was numbered as C.C.No.481 of 1994. Since the petitioner was not satisfied with the steps taken by the Police, a requisition was made to the Government of Andhra Pradesh to transfer the case to CID for further investigation. As per the orders of the Additional Director General of Police, CID, Hyderabad, vide Memo No.1829/C8/94, dated 24.8.1994, further investigation was taken up by the CID and a petition was also filed before the V Metropolitan Magistrate, Hyderabad, requesting to stop further trial proceedings in the case with a further request to transfer the case to the IX Metropolitan Magistrate, Hyderabad, as it is a designated Court for the cases of CBCID. Consequently, an additional charge sheet was filed before the IX Metropolitan Magistrate Court, Hyderabad, on 12.2.1996. After transfer of the case to the said Court, it was numbered as C.C.No.595 of 1996 and the same is pending on the file of VI Additional Chief Metropolitan Magistrate, Hyderabad. It is further stated that since the crime is registered against accused Nos.1 to 3, on 29.4.1994 accused Nos.1 and 2 were arrested and sent to judicial custody and subsequently they were released on bail. As far as accused No.3 is concerned, he was released on bail, on his surrender, by the IX Metropolitan Magistrate, Hyderabad. As far as accused Nos.4 and 5 are concerned, proceedings initiated against them were already quashed by this Court. Therefore, it is stated that there is no truth in the allegations leveled against the respondents that there was no proper investigation initiated against the accused.

5. In view of the above and having regard to the detailed counter-affidavit, filed by the respondents, we are convinced that the respondents have conducted proper investigation in proper lines.

Hence, we are of the view that there are no merits in the writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is closed. No order as to costs.

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D.S.R.VARMA, J

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P. SWAROOP REDDY, J

Dated: 14.08.2006

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